

by JOEY BERLIN

FAQ: Electronic Controlled Substance Scripts

NEW, DIFFERENT, AND MANDATORY are three adjectives physicians don't necessarily like to hear in conjunction with a law or regulation.

Especially, perhaps, that last one.

Nonetheless, all three apply to the state law requiring electronic prescrib-

ing of all controlled substances (EPCS) by Texas physicians as of Jan. 1, with few exceptions. The mandate goes for prescribing all Schedule II through V drugs.

One thing to know right off: For Texas physicians, the compliance date Medicare announced for its federal Part D

EPCS requirement—Jan. 1, 2022—doesn't affect your obligation to prescribe controlled substances electronically under Texas law. So, if you're a Texas physician, you already should be prescribing controlled substances electronically unless you qualify for an exception or waiver.

What are the exceptions to the state's e-prescribing requirements?

Some of the applicable exceptions include:

- If e-prescribing, in the physician's judgment, would prevent the patient from getting a drug in a timely manner, and that a delay would affect the patient's condition.
- If a temporary technological failure makes e-prescribing unavailable.
- If the prescriber and dispenser are at the same location or under the same license.
- If the U.S. Food and Drug Administration requires additional information in the prescription that can't be conveyed through electronic prescribing.

A complete list of the exceptions, including separate ones for the Medicare EPCS requirement, can be found in TMA's FAQ (www.texmed.org/EPCSFAQ).

How do I know if I'm eligible for a waiver?

The Texas Medical Board (TMB) may grant a one-year waiver from the EPCS requirement for economic hardship; technological limitations not reasonably within the physician's control; or other exceptional circumstances, which the physician can demonstrate on his or her waiver application.

I don't have e-prescribing built into my EHR/ I don't use an EHR. How do I find standalone software?

If you have an electronic health record (EHR) system, check with your vendor to get set up with e-prescribing. If you don't, you can search for standalone e-prescribing vendors on the SureScripts website, tma.tips/standaloneehr. Select "Focus Your Search" and "Standalone eRx" to get a short list of standalone vendors.

How long does it take to set up?

It depends on how quickly you get credentialed, with a setup time between 24 hours and two weeks. Your EHR or electronic prescribing vendor will be able to provide more information.

Are advanced practice registered nurses and physician assistants issuing prescriptions under a physician's delegating authority required to get waivers?

No. A supervising physician applies for the waiver, which if granted applies to any prescriptions the delegate issues under that physician's authority.

How do I show the pharmacy that I've received a waiver?

Once TMB has approved a waiver, it becomes part of a physician's MyTMB profile on the board's website. The process for verifying a waiver varies by pharmacy, but some pharmacies do an automatic search for the prescribing physician on the TMB site and check for the waiver when a patient comes into the pharmacy with a controlled-substance prescription.

TMA staff say some pharmacies are asking doctors to print their TMB waiver information and give it to the patient to present along with the paper prescription. Physicians can pull up their TMB profile on the board's website (tma.tips/tmbprofile) and select the "Print Verification" option.

Does the pharmacist have any responsibility to ensure that there's a waiver?

No. According to the Texas State Board of Pharmacy (TSBP), the pharmacist is not obligated to ensure there's a waiver. Also, TSBP does not grant or deny waivers; only a prescriber's own licensing agency can do so.

If it's a controlled substance prescription for a Medicare patient, can pharmacies fill the paper prescription without a waiver because Medicare isn't requiring EPCS compliance until 2022?

No. Texas law already requires e-prescribing of controlled substances, regardless of whether the prescription involves Medicare coverage.

E-prescribing

www.texmed.org/e-prescribe

www.texmed.org/EPCSFAQ